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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			RUST, ERIC A	
		ART UNIT		PAPER NUMBER
		2625		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,236	ITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ERIC A. RUST	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2010.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 15-62 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15-62 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. Claims 15-62 are currently pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18, 20-23, 26-29, 34-44, 46-49, and 52-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0160630 A1 to Iriyama et al. (hereinafter, Iriyama) in view of U.S. Patent Application Publication No. 2003/0011633 A1 to Conley et al. (hereinafter, Conley), and further in view of U.S. Patent Application Publication No. 2002/0138567 A1 to Ogawa.

**In regard to claims 15, 34, 38, 40, 41, 56, 60, and 62,** Iriyama discloses a system using services (**Iriyama, Abstract**), the system comprising:

an image handling apparatus (**Iriyama, Fig. 1, items 1 and/or 2**); and  
an external processing apparatus (**Iriyama, Fig. 1, item 3**) connected to the image handling apparatus through a network (**Iriyama, Fig. 1**), the external processing apparatus comprising a controlling part (**Iriyama, Fig. 3, item 32**) that conducts at least a part of an image handling process concerning a service by taking the place of the image handling

apparatus (**Iriyama, [0079] - [0083], specifically discusses item 3 of Fig. 1 taking control of item 1 and/or 2 of Fig. 1**), wherein the image handling apparatus comprises hardware resources (**Iriyama, Fig. 2**) including at least one of a scanner and a plotter (**Iriyama, Fig. 1, items 13 and 14**); and an image formation unit (**Iriyama, Fig. 1, item 14**) configured to form an image by using the hardware resources and to be controlled by the image handling process (**Iriyama, [0079] - [0083], specifically discusses item 3 of Fig. 1 taking control of item 1 and/or 2 of Fig. 1**), wherein the image formation unit controls the hardware resources by a trigger of receiving a request sent from the controlling part (**Iriyama, [0079] - [0083], specifically discusses item 3 of Fig. 1 taking control of item 1 and/or 2 of Fig. 1, see also [0082], line 1 where the signal is the trigger**).

Iriyama does not specifically disclose the external processing apparatus sending a screen update instruction request to the image handling apparatus in response to a message informing an end of the image handling process, and an interface that, when the image handling apparatus receives the screen update instruction request, sends a request to the external processing apparatus to update a graphical interface.

Conley, however, discloses initializing (i.e., updating) a user interface (**Conley, [0038], lines 1-19**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Conley with the teachings of Iriyama in order to provide a novel method and system that is particularly adapted for and useful with document copiers and the like with embedded touch panel user interface displays for controlling the MFP functions and applications (**Conley, [0006]**).

Neither Conley nor Iriyama disclose updating a user interface in response to an end of process message.

Ogawa, however, discloses sending an error message (end of process message) to a server, and receiving an update in response to the error message (**Ogawa, Abstract**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ogawa with the teachings of Conley and Iriyama in order to perform effective updates that suits the necessity (**Ogawa, [0027]**).

**In regard to claims 16, 35, 39, 42, 57, and 61**, which depend from claims 15, 34, 38, 41, 56, and 60, respectively, Iriyama discloses wherein the image handling apparatus comprises a service providing part (**Iriyama, Fig.1, CPU of item 1**) that allows an external control to control image formation unit, wherein the image handling process is conducted by externally controlling the image formation unit (**Iriyama, [0079] - [0083], specifically discusses item 3 of Fig. 1 taking control of item 1 and/or 2**).

**In regard to claims 17 and 43**, which depend from claims 16 and 42, respectively, Iriyama discloses wherein the external processing apparatus controls the image formation unit by using the service providing part based on a request received from the image handling apparatus (**Iriyama, [0079] - [0083], specifically discusses item 3 of Fig. 1 taking control of item 1 and/or 2, see also [0082], line 1 where the signal is the request**).

**In regard to claims 18, 36, 44, and 58**, which depend from claims 15, 35, 41, and 57, respectively, Iriyama discloses wherein the image handling apparatus comprises a requesting part (**Iriyama, Fig.1, CPU of item 1**) that sends a request for at least a part of the image handling process to the controlling part (**Iriyama, [0015], lines 8-9, since part of the image processing is being done at the server, a request to perform the image processing from item 1 would have to be included**).

**In regard to claims 20 and 46**, which depend from claims 18 and 44, respectively, Iriyama discloses wherein the requesting part includes an executing part that executes at least a part of the image handling process (**Iriyama, [0079] - [0083], the requesting part and executing part would both be internal to the CPU of item 1 in Fig. 1**).

**In regard to claims 21, 23, 47, and 49**, which depend from claims 20, 17, 46 and 43, respectively, neither Ogawa, Conley, nor Iriyama specifically disclose wherein the requesting part requests at least the part of the image handling process to the external processing apparatus through another external processing apparatus; or wherein the external processing apparatus controls the function by using the service providing part through another external processing apparatus.

It would have been an obvious matter of design choice for the requesting part to request at least the part of the image handling process to the external processing apparatus through another external processing apparatus; and for the external processing apparatus to control the function by using the service providing part through another external processing apparatus since applicant has not disclosed that this difference solves any

stated problem or is for any particular purpose and it appears that the invention would perform equally well with the difference.

**In regard to claims 22 and 48**, which depend from claims 15 and 41, respectively, Iriyama discloses wherein the image handling apparatus comprises:

a service providing part that internally controls the image formation unit, and a requesting part that controls the image formation unit by using the service providing part (**Iriyama, [0079] - [0083]**, **the service providing part and the requesting part would both be internal to the CPU of item 1 in Fig. 1**).

**In regard to claims 26 and 52**, which depend from claims 15 and 41, respectively, Iriyama discloses wherein one controlling part (**Iriyama, CPU of item 1 in Fig. 1**) implemented in one external processing apparatus (**Iriyama, Fig. 1, item 1**) and another controlling part (**Iriyama, CPU of item 2 in Fig. 1**) implemented in another external processing apparatus (**Iriyama, Fig. 1, item 2**) are cooperated with each other (**Iriyama, [0050], lines 7-11**).

**In regard to claims 27 and 53**, which depend from claims 15 and 41, respectively, Iriyama discloses wherein a terminal apparatus comprising a requesting part (**Iriyama, Fig. 1, CPU of item 1**) that requests at least one part of the image handling process to the controlling part (**Iriyama, [0079] - [0083]**) is connected to the image handling process and the external processing apparatus through the network (**Iriyama, see Fig. 1 for connection information**).

**In regard to claims 28 and 54**, which depend from claims 18 and 44, respectively, Iriyama discloses wherein the external processing apparatus provides the graphical interface, which is a user interface of the controlling part, to the requesting part (**Iriyama, Fig. 4, item 4, and [0069], lines 1-3**).

**In regard to claims 29 and 55**, which depend from claims 28 and 54, respectively, Iriyama discloses wherein the image handling apparatus further comprises an updating part (**Iriyama, CPU of item in Fig. 1**) that requests the controlling part to update the user interface (**Iriyama, Fig. 4, item 4, and [0069], lines 1-3, and [0072], lines 1-8**).

**In regard to claims 37 and 59**, which depend from claims 36 and 58, respectively, Iriyama discloses wherein the requesting part includes an identification of data for the image handling process in a request and sends the request to the external processing apparatus, and the service providing part uses data corresponding to the identification included in the request received from the external processing apparatus, and controls the image formation unit (**Iriyama, [0050], lines 1-6, since image data is being sent from item 1 in Fig. 1 to item 3 in Fig. 1 for processing, the above limitations are inherent**).

4. Claims 19, 24-25, 45, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iriyama, Conley, and Ogawa in view of U.S. Patent Application Publication No. 2004/0193717 A1 to Tajima et al. (hereinafter, Tajima). Tajima was cited in the IDS filed by Applicants on June 04, 2008.

**In regard to claims 19 and 45**, which depend from claims 15 and 41, respectively, neither Ogawa, Conley, nor Iriyama specifically disclose wherein the image handling process is realized by one or more function controlling parts that control the image formation unit , a service providing part that allows an external control to control the one or more function controlling parts, and software that externally controlling the one or more function controlling parts, and the software is implemented in the external processing apparatus part as at least a part of the image handling process.

Tajima, however, discloses wherein the image handling process is realized by one or more function controlling parts (**Tajima, Fig. 1, CPU of item 61**) that control the image formation unit (**Tajima, [0082], lines 1-6, and [0083], lines 1-7**), a service providing part (**Tajima, Fig. 1, CPU of item 61**) that allows an external control to control the one or more function controlling parts (**Tajima, [0082], lines 1-6, and [0083], lines 1-7, item 50 in Fig. 1 controls the operation of the function through the service processing request**), and software that externally controlling the one or more function controlling parts, and the software is implemented in the external processing apparatus part as at least a part of the image handling process (**Tajima, [0082], lines 1-6, and [0083], lines 1-7, software of item 50 in Fig. 1 creates processing request and therefore controls the operation of the function through the service processing request**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Tajima with the teachings of Ogawa, Conley, and Iriyama in order to have devices connected to a network cooperatively effect plural processes (**Tajima, [0140]**).

**In regard to claims 24 and 50**, which depend from claims 15 and 41, respectively, neither Ogawa, Conley, Iriyama specifically disclose wherein the controlling part allows a plurality of functions to cooperate with each other.

Tajima, however, discloses wherein the controlling part allows a plurality of functions to cooperate with each other (**Tajima, Abstract**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Tajima with the teachings of Ogawa, Conley, and Iriyama in order to have devices connected to a network cooperatively effect plural processes (**Tajima, [0140]**).

**In regard to claims 25 and 51**, which depend from claims 24 and 50, respectively, Iriyama discloses wherein the controlling part allows one function implemented in one image handling apparatus and another function implemented in another image handling apparatus to cooperate with each other (**Iriyama, [0050], lines 7-11**).

5. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iriyama, Conley, and Ogawa in view of U.S. Patent Application Publication No. 2004/0239975 A1 to Kawaura et al. (hereinafter, Kawaura). Kawaura was cited in the IDS filed by Applicants on June 04, 2008.

**In regard to claim 30**, which depends from claim 15, neither Ogawa, Conley, nor Iriyama disclose wherein, when the image handling apparatus and the external processing

apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and controls the image formation unit when a request is made to the controlling part built in the image handling apparatus.

Kawaura, however, discloses wherein when the image handling apparatus and the external processing apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and controls the image formation unit when a request is made to the controlling part built in the image handling apparatus (**Kawaura, Abstract**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kawaura with the teachings of Ogawa, Conley, and Iriyama for when the image handling apparatus and the external processing apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and controls the image formation unit when a request is made to the controlling part built in the image handling apparatus in order to improve the reliability of an update program (**Kawaura, [0019], lines 5-7**).

**In regard to claim 31**, which depends from claim 30, Kawaura discloses wherein, while the image handling apparatus and the external processing apparatus are in an online state, a file for building up the controlling part is transferred from the external processing apparatus to the storage area (**Kawaura, Abstract**).

**In regard to claim 32**, which depends from claim 28, neither Ogawa, Conley, nor Iriyama disclose wherein while the image handling apparatus and the external processing apparatus are in an offline state, at least a part of the user interface of the controlling part is transferred from the external processing apparatus to a storage area, and at least the part of the user interface of the controlling part, which is read out from the storage area, is provided to the requesting part.

Kawaura, however, discloses wherein while the image handling apparatus and the external processing apparatus are in an offline state, at least a part of the user interface of the controlling part is transferred from the external processing apparatus to a storage area, and at least the part of the user interface of the controlling part, which is read out from the storage area, is provided to the requesting part (**Kawaura, Abstract**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kawaura with the teachings of Ogawa, Conley, and Iriyama for wherein while the image handling apparatus and the external processing apparatus are in an offline state, at least a part of the user interface of the controlling part is transferred from the external processing apparatus to a storage area, and at least the part of the user interface of the controlling part, which is read out from the storage area, is provided to the requesting part in order to improve the reliability of an update program (**Kawaura, [0019], lines 5-7**).

**In regard to claim 33**, which depends from claim 30, neither Kawaura, Ogawa, Conley nor Iriyama specifically disclose wherein while the image handling apparatus and

the external processing apparatus are in an online state, the image formation unit is controlled when a request is made to the controlling part built in the external processing apparatus, and while the image handling apparatus and the external processing apparatus are in an offline state, the image formation unit is controlled when a request is made to the controlling part built in the image handling apparatus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawaura, Ogawa, Conley, and Iriyama so that while the image handling apparatus and the external processing apparatus are in an online state, the image formation unit is controlled when a request is made to the controlling part built in the external processing apparatus, and while the image handling apparatus and the external processing apparatus are in an offline state, the image formation unit is controlled when a request is made to the controlling part built in the image handling apparatus in order to ensure that data processing is still completed even though the eternal processing apparatus is in an offline state.

### ***Response to Arguments***

6. Applicants' arguments with respect to claims 15-62 have been considered but are not persuasive.

**In regard to the rejection of claims 15-62,** Applicants state that Conley does not disclose or suggest the features of the external processing apparatus sending a screen update instruction request to the image handling apparatus in response to a message informing an end of the image handling process, and an interface that, when

the image handling apparatus receives the screen update instruction request, sends a request to the external processing apparatus to update a graphical interface, as recited in Claim 15. See Amendment, pg. 3.

Still further Applicants state that Ogawa does not disclose or suggest an interface that, when the image handling apparatus receives the screen update instruction request, sends a request to the external processing apparatus to update a graphical interface, as recited in Claim 15. See Amendment, pg. 4.

In response to these arguments, the Examiner notes that it appears Applicants are trying to attack the references individually. That is, it appears the Applicants are arguing that the individual references do not contain all the recitations of the independent claims that Iriyama is missing.

For example, the previous Office Action cited Conley for disclosing updating a user interface, whereas the Amendment says Conley does not disclose the features of the external processing apparatus sending a screen update instruction request to the image handling apparatus in response to a message informing an end of the image handling process. See Amendment, pg. 3.

A similar reasoning is presented for attacking the Ogawa reference. For example, Applicants argue that Ogawa merely describes updating a driver and firmware of a disk array system, and that Ogawa does not disclose or suggest updating a graphical interface. See Amendment, pg. 4. This argument is presented even though Ogawa was cited to disclose sending an error message (end of process message) to a server, and receiving an update in response to the error message.

In response to these arguments, Applicants are reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants are further reminded that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Accordingly, Applicants arguments are not persuasive.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. RUST whose telephone number is (571)-270-3380. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4380.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC A. RUST/

Examiner, Art Unit 2625

10/07/2010

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625